

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEBORAH WELLS,

Plaintiff,

v.

HALLMARK HEALTH SYSTEM, INC.

Defendant.

CASE NO. 04-CV-10164-MEL

JOINT MOTION TO AMEND SCHEDULING ORDER

The Parties hereby jointly move the Court to amend the Scheduling Order in this case to: 1) extend the discovery period to August 31, 2005; 2) extend the period for service of Rule 56 Motions to October 31, 2005; 3) extend the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extend the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

As grounds for this Motion, the parties state as follows:

1. Under the present Scheduling Order, discovery in this matter is to be completed by April 29, 2005.

2. However, due to undersigned Plaintiff's counsel's grave illness, which has caused him to cease all activities related to his law practice, he remains unable to attend to the requirements of this matter.

3. Due to Plaintiff's counsel's illness and the attendant closing of his practice, he and/or the Plaintiff are actively seeking out another attorney for purposes of permanently taking over the Plaintiff's case. As such, the extension of the Scheduling Order deadlines is necessary for the Plaintiff to retain a new attorney, for that new attorney to get up to speed on the case and for the parties to thereafter fully and fairly complete discovery.

4. The Defendant joins the Plaintiff in this Motion.

5. This is the second request by the parties to extend the Scheduling Order in this case, both of which were caused solely by the Plaintiff's counsel's serious health issues.

WHEREFORE, the Parties respectfully request that the Court enter an order: 1) extending the discovery period to August 31, 2005; 2) extending the period for service of Rule 56 Motions to October 31, 2005; 3) extending the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extending the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

Respectfully submitted,

The Plaintiff,

DEBORAH WELLS

By her attorney,

The Defendant,

HALLMARK HEALTH SYSTEM,
INC.,

By its attorneys,

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Dated: April 29, 2005

Certificate of Service

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail (_____) on 4-29-05.

John M. Simon